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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

Plaintiff(s),

v.

RAY J. GARCIA

Defendant(s).

Case No.: 4:21-cr-00429-YGR

Assigned to: The Hon. Yvonne Gonzalez Rogers

**DEFENDANT RAY J. GARCIA'S
OBJECTIONS RE : MARCH 15, 2023
HEARING**

TO THE HONORABLE COURT:

Defendant Ray Jay Garcia through as undersigned counsel hereby objects to the following rulings made at the hearing held earlier today in this matter:

1. The Court ordered former defense counsel Mr. Reilly to provide a statement responding to the defendant's new trial motion, without any indication that it was the prosecution's intended course of action. Mr. Reilly would likely be serving as a prosecution witness by providing the statement ordered by the Court. The Court also, again without any indication that any party was going to so request, ordered that the prosecution inquire as to the availability of the alleged victims to testify at the upcoming sentencing hearing. The defendant objects to these orders and ask that they be withdrawn. The prosecution is well capable of deciding what, if any, testimonial evidence should be presented as part of its case at the upcoming hearings.

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1 2. The defendant also objects to any further process that would require him to
2 reassert his formal objections yet again pre-sentencing. While the Probation Officers has
3 followed the Court's directive and attempted to resolve factual objections beforehand, see
4 Exhibit A, the defendant is entitled to maintain and, if necessary, obtain a ruling on his stated
5 objections. Therefore, the defendant requests that his factual objections be addressed in
6 accordance with Federal Rule of Criminal Procedure 32(i).

7 3. Finally, defense counsel attaches DN 125 (Exhibit B), the Court's order setting
8 today's hearing, as well as a screenshot of Your Honor's webpage (Exhibit C) describing the
9 availability of remote hearing procedures. After referring to these two sources, the undersigned
10 was unaware that an in-person hearing was required today and certainly did not commit any
11 contemptuous act by appearing remotely.

12 Dated: March 15, 2023

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/s/ Kevin G. Little

Kevin G. Little

Attorneys for Defendant Ray J. Garcia

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